IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3000 of 2005

Between:

M/s Arun & co, Char Coal Merchant,
No. 1/3,Gandhi Road, Arni - 632 301, Rep. by their
Authorised Agent Mr. Vangalapudi Ganesh,
s/o Satyanarayana, aged 32 years, Near Railway Station,
Raighad.

..... PETITIONER

AND

1 The Forest Range Officer, Polavaram, West Godavari District,
Andhra Pradesh.
2 The District Forest Officer, Eluru, West Godavari District,
Andhra Pradesh.
3 The Secretary, Forest Department, Government of Andhra
Pradesh, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction particularly in the nature of Writ of mandamus declaring the action of respondent No.1 seizing Char Coal and the lorry bearing registration No. AP.16 W 530 transporting the Charcoal as illegal, arbitrary and violation Article 14 and 19 of Constitution of India.

Counsel for the Petitioner:MR.A.KRISHNAM RAJU

Counsel for the Respondent Nos.1 to 3: GP FOR FORESTS

The Court at the stage of admission made the following :

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ORDER:

This writ petition is filed questioning the action of the first respondent-Forest Range Officer, Polavaram, West Godavari District, in detaining the lorry bearing No.AP 16 W 530 while carrying charcoal from Chennai to Jamshadpur.

The petitioner states that he has been carrying on business relating to charcoal and supplying charcoal through out India for the past several years. It is further stated that while transporting Charcoal from Chennai to Jamshadpur in December 2004, the lorry was detained by the officials of the Forest Department. It is contended that Charcoal is not a forest produce and as such, no permission is required under law to transport charcoal from one place to another. However, in spite of the fact that the petitioner met the first respondent on 20.01.2005 and sought for release, the first respondent has not passed any order releasing the vehicle in question. On the other hand, the first respondent issued a telegram informing the petitioner that if he fails to appear with all the connected documents on or before 31.01.2005, further steps will be taken in accordance with law.

Aggrieved by the said action, this writ petition is filed contending that the impugned seizure is arbitrary, illegal and contrary to law.

Since admittedly the proceedings are pending before the first respondent, I am not inclined to express any opinion on merits. Instead, I deem it appropriate to dispose of the writ petition granting leave and liberty to the petitioner to appear before the first respondent and to submit the necessary explanation together with all the relevant material to show that the impugned action of the respondents is impermissible under law. If the petitioner produces such material before the first respondent within a period of one week from today, the first respondent shall consider the same and pass appropriate orders in accordance with law, within a period of two weeks thereafter. No costs.

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21.01.2005

Note : Furnish CC today.

(B/O)

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To

1 The Forest Range Officer, Polavaram, West Godavari District, Andhra Pradesh.
2 The District Forest Officer, Eluru, West Godavari District, Andhra Pradesh.
3 The Secretary, Forest Department, Government of Andhra

Pradesh, Secretariat, Hyderabad.

4 Two C.Cs to the G.P. for Forest, High Court Buildings, Hyderabad (OUT).

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